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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,571	03/03/2004	Gilles Soucy	04104-060	3108
56535	7590	12/05/2005		
BROUILLETTE & PARTNERS METCALFE TOWER, 1550 METCALFE STREET SUITE 800 MONTREAL, QC H3A-1X6 CANADA			EXAMINER BELLINGER, JASON R	
			ART UNIT 3617	PAPER NUMBER

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/791,571	Applicant(s) SOUCY ET AL.	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3,11 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/04 - 9/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of the species and subspecies relating to Figures 1-3, 5, and 7 in the reply filed on 20 September 2005 is acknowledged.
2. Claims 3, 11, and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 20 September 2005.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 129, 460. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 220. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: Reference character "522" should be replaced with reference character --525-- in the phrase "(522, 526)" in line 28 of page 6 to correspond to the drawings.

Appropriate correction is required.

Claim Objections

6. Claim 1 is objected to because of the following informalities: The term "in" should be replaced with the term --into-- in line 7 to more clearly describe the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 2, 8-9 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite due to the fact that it is unclear how the stabilizing portions are located "above" the tensile cords. No direction (i.e. axially, radially, laterally, etc.) has been provided to clearly describe the location of the stabilizing portions with respect to the tensile cords.

Claim 8 is indefinite due to the fact that it is unclear what the term "embossing" is claiming.

Claim 9 is indefinite due to the fact that it is unclear relative to what element of the invention the stabilizing portions extend longitudinally.

Claim 20 is indefinite due to the fact that it is unclear where the road wheels are located to be positioned "over" the stabilizing portions. No direction (i.e. axially, radially,

laterally, etc.) has been provided to clearly describe the position of the road wheels with respect to the stabilizing portions.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 4-10, 13-14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono. In Figures 14-16, Ono shows a traction band 80 having a body 21 made from an elastomeric material, and having an inner surface 26 to face a plurality of wheels of a tracked vehicle and an outer surface 27 that faces the over which the vehicle travels. At least one row of lugs 23 protrudes from the inner surface, and lug reinforcements 60 embedded within the body 21. Each lug reinforcement 60 includes a reinforcing portion 62 that extends into the lugs 23. At least one stabilizing portion 61 is connected to the reinforcing portion 62 and is embedded in the body of the traction band 80.

Main tensile cords 22 extend along the circumference of the body of the traction band 80, with the stabilizing portions 61 located "above" the cords 22. The reinforcing portion 62 includes longitudinally extending areas (623 & 624) that are parallel planar areas that are included and connected to each other. Each reinforcing portion 62 includes a laterally extending structure 65 that laterally rigidifies the reinforcing portion

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62. This structure 65 could be considered an "embossing" on the longitudinally extending areas (623 & 624). The stabilizing portions 61 extend longitudinally. The traction band 80 includes a central longitudinally extending band portion with a lateral band portion on each side of the central portion. The lug reinforcement 60 is a rigid metal plate. The "road" wheels of the vehicle would be positioned over the stabilizing portions 61 when the traction band 80 is mounted on the vehicle.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono. Ono contains all of the limitations as set forth in paragraph 10 above, but does not specify that the rigid plate of the lug reinforcement is formed from plastic. It is well known in the art that metal elements may be replaced with plastic elements having similar physical properties and characteristics in order to reduce the weight of an assembly without sacrificing strength, etc.

Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the lug reinforcements from plastic in order to reduce the weight of the track assembly.

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13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono as applied to claims 1-2, 4-10, 13-15, and 20 above, and further in view of Deland et al. Ono does not show the traction band having guide lugs located on the lateral band portions.

Deland et al teaches the use of a traction band 120 having guide lugs 125a-b located on lateral band portions (124 & 128) of the traction band 120. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the traction band of Ono with laterally located guide lugs, dependent upon the type of drive wheel used and to further prevent the traction band from de-tracking.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show traction bands including core bar reinforcement for the drive lugs. For example, Togashi shows a traction band of the type described above.

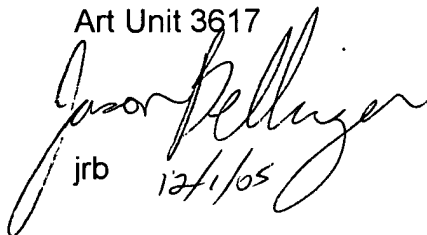
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
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jrb 12/1/05